

**Jesse Merrithew**, OSB No. 074564

Email: jesse@lmhlegal.com

**Viktoria Lo**, OSB No. 175487

Email: viktoria@lmhlegal.com

Levi Merrithew Horst PC

610 SW Alder Street, Suite 415

Portland, Oregon 97205

Telephone: (971) 229-1241

**Juan C. Chavez**, OSB No. 136428

Email: jchavez@ojrc.info

**Brittney Plessner**, OSB No. 154030

Email: bplessner@ojrc.info

**Alex Meggitt**, OSB No. 174131

Email: ameggitt@ojrc.info

**Franz H. Bruggemeier**, OSB No. 163533

Email: Fbruggemeier@ojrc.info

Oregon Justice Resource Center

PO Box 5248

Portland, OR 97208

Telephone: 503 944-2270

**J. Ashlee Albies**, OSB No. 051846

Email: ashlee@albiesstark.com

**Whitney B. Stark**, OSB No. 090350

Email: whitney@albiesstark.com

**Maya Rinta**, OSB No. 195058

Email: maya@albiesstark.com

Albies & Stark LLC

1 SW Columbia St. Suite 1850

Portland, Oregon 97204

Telephone: (503) 308-4770

Facsimile: (503) 427-9292

### **Attorneys for Plaintiffs**

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal  
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF KATHLEEN  
MAHONEY IN SUPPORT OF  
PLAINTIFF'S MOTION FOR CLASS  
CERTIFICATION

I, Kathleen Mahoney, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. I am a legal observer for the ACLU of Oregon.
3. I reside in Portland, Oregon.
4. Between June 2020 and November 2021, I observed protests in Portland, Oregon in person. I wear a blue mesh vest that clearly identifies me as a legal observer with white lettering on the back and front of the vest. Additionally, I have a white hard hat with the ACLU Legal Observer signage on it. I do not participate in the protests. I am a neutral observer of police conduct and ensure that protesters are able to exercise their First Amendment rights safely.
5. A few of the protests I observed in person were on the following dates: June 19, 2020, June 30, 2020, August 14, 2020.
6. During my observations of the protests, I observed that the number of participants varied

from groups of approximately 2,000 people to 50 people.

7. I observed members of the Portland Police Bureau (PPB) as they interacted with protesters. Based on my experience observing protests in Portland, I am confident that I can distinguish between PPB and other law enforcement agencies based on the patches and badges on the uniforms and the protective helmets that had distinguishing numbers on the back of them.
8. On the nights I was observing the protests, I noted that PPB officers would frequently use force against protesters who were peacefully remaining after dispersal orders and against protesters who were complying with police orders to move out of the area.
9. On June 19, 2020, I observed the protest downtown at the Justice Center. I was there from 6:00 pm to midnight. I repeatedly saw PPB fired less lethal munitions into the crowd from behind the fence that surrounded the Justice Center. After 11:07 pm, PPB made an announcement that was inaudible and PPB officers lined up on the steps of the Justice Center facing SW 3rd Ave.
10. At 11:15 pm, PPB stated the gathering was an unlawful assembly and PPB vehicles as well as officers descended onto the street. I observed that PPB members marched behind protesters walking west on SW Main and yelled, “move!” This caused protesters to jump and some walked faster.
11. I observed PPB throw a flash bang or “aerial distraction device” into the crowd that was complying as they approached towards SW 4th Ave and SW Taylor. These actions appeared to occur without provocation as I observed the crowd of protesters complying and moving in the direction ordered by PPB.
12. On June 30, 2020, I observed the protest at the then-located Portland Police Association’s building in North Portland. I was there from 9:15 pm to 12:15 am the next day. As I arrived PPB announced an unlawful assembly and told protesters to move east on North Lombard. I

walked east with the protesters and PPB officers directly behind me. I observed PPB officers shoving protesters with their batons.

13. I was struck with a baton. I observed PPB officers shoving protesters with their hands. I observed a person using crutches shoved by PPB officers as he tried to navigate moving with everyone else and avoiding the wood and metal planters in front of an apartment complex located between North Elmore and North Fenwick.
14. The push stopped around North Lombard and North Greenwich Ave where protesters and PPB faced each other in what appeared to be a stalemate, protesters were mostly quiet and seemed to be waiting for PPB's next action.
15. At 10:15 pm, I heard a PPB officer shout, "mask up!" and PPB officers put on their gas masks. Approximately ten minutes later, PPB fired flash bangs or "aerial distraction devices" into the air above protesters' heads. A few grenades landed into the Shell Gas Station located on North Lombard by North Interstate. I also observed PPB fire shotgun sized CS shells into the crowd indiscriminately. These actions appeared to occur without provocation from protesters.
16. PPB then moved east to compel protesters to cross North Interstate to the Piedmont neighborhood. Later in the evening, protesters who had not left the area were chased north on North Kerby and I observed PPB fire small round pellets at protesters who were running. The pellets were red and white pepper balls.
17. On August 14, 2020, I observed protesters attempt to march and protest in front of the Portland Police Association. Protesters had gathered at Peninsula Park around 8:00 pm where approximately 200 people were present.
18. When the protesters started marching from the park, they were confronted by PPB on North Ainsworth Ave and North Maryland Ave. I did not observe the protesters engaging in any

activity that warranted police to arrive and prevent them from marching.

19. PPB announced that North Ainsworth was open to traffic. Protesters peacefully remained in place and sat down in the roadway.
20. After a brief period of a stalemate, the protesters started to get up and walk away. PPB quickly regrouped and blocked off streets, eventually pushing protesters to North Killingsworth Ave and North Minnesota Ave. Any direction that the main group of protesters went, PPB quickly drove down an adjacent street and blocked their march.
21. There was no apparent reason I could discern that provoked PPB to exercise this type of policing. The policing method seemed to escalate tension.
22. After a number of standoffs and redirection, protesters and PPB were on North Lombard on the overpass of I-5. PPB was on the west side blocking protesters access to the Portland Police Association building. Protesters were on the east side facing PPB. PPB eventually initiated a sweep and marched towards protesters.
23. I observed PPB use their batons to shove protesters who were walking slowly but complying.
24. I observed one PPB officer shove a protester into the guardrail on the south side of North Lombard on the overpass as he walked backwards, facing PPB with his hands up. The protester ended up bent over the rail and may have fallen onto the highway if he had not grabbed the rail. He fell to the sidewalk and laid there as PPB officers stepped over him and around him.
25. On multiple occasions I observed PPB officers fire less lethal munitions at protesters who were running away from officers.
26. I observed PPB use pepper spray if a protester exercised passive resistance by sitting down, standing, or laying down. I observed PPB officers engage in what became known as a “bull

rush” causing protesters to run who were already complying and walking away from an area.

27. On multiple occasions, I observed PPB fire indiscriminately into a crowd of protesters without provocation. I also observed PPB officers yell, “Go home or go to jail!” at protesters and bystanders.
28. Finally, on more than on occasion, I observed PPB blocking exits from a park, circling the park and not allowing cars to park, and follow after cars who dropped people off.

Executed on January 13, 2022.



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Kathleen Mahoney